

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, :

Plaintiff, : Criminal Action No.

v. : 1:16-cr-10137-LTS-1

: 1:16-cr-10137-LTS-2

KENNETH BRISSETTE, et al., :

Defendants. :

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BEFORE THE HONORABLE LEO T. SOROKIN, DISTRICT JUDGE

JURY TRIAL
DAY 1
PARTIAL TRANSCRIPT
SEALED

Monday, July 22, 2019
9:01 a.m.

John J. Moakley United States Courthouse
Courtroom No. 13
One Courthouse Way
Boston, Massachusetts

Rachel M. Lopez, CRR
Official Court Reporter
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P R O C E E D I N G S

(In open court, beginning of requested portion.)

THE DEPUTY CLERK: The United States District Court for the District of Massachusetts is now in session, the Honorable Leo T. Sorokin presiding.

Today is June 22nd, the case of United States vs. Kenneth Brissette, criminal action 16-10137 will now appear before this court. Counsel, please identify themselves for the record.

MS. BARCLAY: Good morning, Your Honor, Kristina Barclay for the United States.

MS. KAPLAN: Good morning, Your Honor, Laura Kaplan for the Government.

THE COURT: Good morning.

MR. KETTLEWELL: Good morning, Your Honor, William Kettlewell and Sara Silva for Mr. Brissette, who's present.

MS. SILVA: Good morning, Your Honor.

MR. KILEY: Thomas Kiley, Your Honor, for Mr. Sullivan, who's present, and I'm accompanied by Mr. Cintolo, who will introduce himself, I'm sure.

MR. CINTOLO: Do I have to? Okay. My name is William Cintolo, C-i-n-t-o-l-o, and I appear on behalf of Mr. Sullivan.

THE COURT: All right. A couple of things. I know -- oh, you guys were worried about the podium, anyway,

1 so we're going to do the sidebars with the individual jurors
2 on this side, because that's easier for Ms. Lopez, so the
3 jurors either can come up this way, and if they are coming up
4 that way, because they're sitting on my left, they will be
5 able to walk up and come around, I think.

6 One thing, tiny change to what I told you the other
7 day about how I'm going to do it. This doesn't change the
8 exercise of strikes or any of that, but just in asking the
9 questions. This is something I've been thinking about for a
10 while and I've talked to Jim McAlear about it, and I think it
11 makes sense to --

12 So when I ask the questions of the jurors who are
13 in the venire, so for example, question one is do you know
14 any of the court staff that I've introduced; Ms. Simeone,
15 myself, or Ms. Lopez. Rather than having them raise their
16 hand and write everyone's number down, which I've always
17 found to be a very cumbersome process, all of the jurors are
18 going to have pads and pens and I'll tell them this is
19 question one, if your answer is yes to question one, just
20 write down a one.

21 And then I'll ask them question two and I'll tell
22 them to write down the number two, if they answered yes to
23 that question. And then when they come up and then what I
24 will do is go through each -- when we're done asking the
25 questions, starting with juror number one, I'll say juror

1 number one, did you write down any questions, or is there
2 anything else you wish to speak to me about. And if so, come
3 forward and they'll bring their card and then we'll have the
4 list of questions to which they've answered. And they do it
5 that -- some other judges, I don't know about in this
6 building, do it that way, but I know other judges who do it
7 that way and they find it simpler and more efficient and so
8 that's what I'm going to do. But other than that, the rest
9 of the process is exactly as I described to you the other
10 day.

11 Yes.

12 MS. KAPLAN: Your Honor, can I just confirm that
13 the Government has six peremptory challenges and two for the
14 alternates?

15 THE COURT: Yes. So what -- so the Government has
16 six plus two. You get one for each one or two alternates, so
17 we're doing three alternates, so you get two, so that gives
18 you a total of eight. The defense has ten, plus two more is
19 12. And then you both agreed on the record that what you
20 wanted to do was just pick 15. And so your eight and their
21 12, you can use them any which way you want on the 15 jurors
22 that we seat. And that will be -- the jury and the
23 alternates will be the three people in seats -- well, the
24 jury will be seats one to six and then the six seats behind
25 them.

1 MS. KAPLAN: And one will be --

2 MR. KETTLEWELL: Which one is one, Your Honor?

3 THE COURT: Yeah, so I have to think for a minute,
4 because this is not my courtroom and it's reversed. So one,
5 ordinarily, would be the first row closest seat to me. Okay?
6 And I think what I'm going to do, actually, is move that
7 chair --

8 Maria, if you can move that chair to the first row.

9 THE DEPUTY CLERK: No, I can't move those chairs.

10 THE COURT: I think that one moves.

11 THE DEPUTY CLERK: No, they don't.

12 THE COURT: All right. So we'll move a chair
13 there, we'll take one of those chairs and we'll -- or the
14 black seat you can move there for now. That'll be easier.

15 THE DEPUTY CLERK: I'll just get a chair.

16 THE COURT: So there will be -- so the 12 jurors
17 will be the 12 people closest to me, six in the first row,
18 six in the second row.

19 MR. KILEY: We're going to be here for the whole
20 trial?

21 THE COURT: No. Just for today. Just for today.
22 All right? So we'll be here -- I'll come back to that,
23 Ms. Kaplan. Just for today. We'll pick the jury today in
24 this courtroom. The only reason we're using this courtroom
25 is it seats more people in the audience. And given the

1 number, we're bringing in an 80-person venire. And then
2 there isn't enough room in that courtroom, my courtroom, for
3 80 people in the audience, let alone for people for the
4 families, anyone from the Government, the public, any media
5 that wants to be here. So today here. After today, all
6 other things will be in my courtroom.

7 You had a question.

8 MS. KAPLAN: Just where the alternates will be. We
9 understand one through six and then seven through 12.

10 THE COURT: So in this courtroom, there will be one
11 alternate in the first row, because there's only seven seats,
12 and then the other two alternates will be in the second row.
13 So the first six seats in the first row, starting with the
14 one closest to me, are jurors, and the first six seats in the
15 second row, starting with the person closest to me. And
16 because of the way the seats are, there will be two in the
17 second row, at the end, rather than one.

18 A couple little things. One is, Mr. Kelley is not
19 here. Shouldn't I be asking the jurors about him?

20 MR. KILEY: Yes. And I added another name on the
21 list, another lawyer. I e-mailed it yesterday. I don't know
22 if anybody saw it, but Anthony Traini and I think you should
23 name him. He would fill the same kind of role.

24 THE COURT: So --

25 MR. KILEY: And only one of them would examine

1 either of the witnesses, any of the witnesses whom I
2 previously represented.

3 THE COURT: So Mr. Kelley works at Acucity?

4 MR. KILEY: He's an attorney. He has a business,
5 as well, but his --

6 THE COURT: So like when I introduce you, I say
7 Mr. Kiley of -- and have you had any dealings with that law
8 firm; Cosgrove, Eisenberg, & Kiley, or have you been employed
9 by --

10 MR. KILEY: He's a sole practitioner.

11 THE COURT: Okay.

12 MR. KILEY: And Mr. Traini is an attorney out of
13 Providence and he is a sole practitioner, as well.

14 THE COURT: Mr. Kelley is a sole practitioner in
15 Boston?

16 MR. KILEY: Yes.

17 THE COURT: And Mr. Traini.

18 MR. KILEY: Anthony M. Traini. T-r-a-i-n-i.

19 THE COURT: He's a solo practitioner?

20 MR. KILEY: He is.

21 THE COURT: In Providence?

22 MR. KILEY: In Providence.

23 THE COURT: And they also represent Mr. Sullivan?

24 MR. KILEY: They would represent Mr. Sullivan on
25 that --

1 THE COURT: Right. I'm not going to explain that
2 level of detail.

3 MR. KILEY: Understood.

4 THE COURT: Then as to the entities listed on the
5 Government's list, which is 28 to 32, I'm -- some I'm just
6 eliminating, because there's specific questions about them.
7 I see why you -- in light of what I said, you put them in.
8 But like Boston Calling, IATSE -- is that how you say it?

9 MS. BARCLAY: Yes.

10 THE COURT: Okay. And *Top Chef* I have specific
11 questions about and I think that covers it. I added a
12 question about Teamsters Local 25. I'm not going to ask
13 about Bravo or NBC. The question about Teamsters Local 25 is
14 just have you, a family member, or a close friend been a
15 member or ever worked for them. Bravo and NBC, I don't know
16 what -- I feel like if somebody -- I feel like the questions
17 about the Local 25 and the question about *Top Chef* are
18 sufficient for that. I'm not asking them and I know you
19 don't want me to, like do you know of NBC. So I think that
20 covers that.

21 The entities listed on the defense list that you
22 filed, Orkila, I think I asked about, in the course of asking
23 about Boston Calling. But the others, I'm not quite sure who
24 they are, if I should be asking about them or not.

25 MR. KILEY: Well, we think you should ask certainly

1 about the task force.

2 THE COURT: What is that?

3 MR. KILEY: The sequence of events, with respect to
4 the interactions between the defendant -- at least my client
5 and the Boston Calling folk start in March, and there is a
6 meeting in the mayor's office and there is an issue with
7 respect to work force and it is resolved. It is resolved.
8 The issue involves the governor's task force, the -- his
9 dealing with the underground economy. It is resolved by the
10 individuals who are working for Boston Calling and the
11 attorney general's office and the names that you also have on
12 our list include Carole Brennan and Jed Nosal and those are
13 individuals --

14 THE COURT: Maybe they're on the Government's list.
15 They're not on your list.

16 MR. KILEY: I think Jed Nosal was on our list, was
17 he not?

18 MS. SILVA: I thought so.

19 MR. KILEY: I thought we included him, Your Honor.

20 THE COURT: What's the name?

21 MR. KILEY: It's Attorney Nosal, Jed Nosal,
22 N-o-s-a-l.

23 THE COURT: What I'm looking at has 14 names and --
24 from you. I don't know -- I know yours are just the
25 supplement. I'm not going to distinguish between the

1 Government names and the defendant names. I'm just going to
2 list names, but I don't see -- I can add it, if you want.

3 MR. KILEY: Yes, please do. And again --

4 THE COURT: What is the name?

5 MR. KILEY: It's -- I only know him as Jed and I
6 believe that to be his true name, Nosal, N-o-s-a-l.

7 THE COURT: Attorney Jed Nosal.

8 MR. KILEY: And the other person who was involved
9 was --

10 THE COURT: Boston?

11 MR. KILEY: Yes.

12 THE COURT: But I still don't know what the joint
13 task force on the underground economy is.

14 MR. KILEY: It was a creation by the governor. It
15 sits at Ashburton Place. They deal with labor issues
16 involving --

17 THE COURT: So here's my -- my question. The
18 question that I typically ask about names is I'm usually
19 thinking of people. So the witness questions, the following
20 people may testify, or you might hear testimony about them,
21 and then I list all the names. And then I ask, are any of
22 you related to any possible witnesses I've just listed or do
23 you know any of these people? Because I could -- in some
24 cases, you could have someone who didn't testify, but there's
25 a lot of testimony about. And if a juror were related to

1 that person or knew them well, that would be something we
2 would all want to know, but you can't really be related to
3 the joint task force.

4 MR. KILEY: You can't be, and it is -- frankly,
5 it's unlikely that any of the jurors are going to have
6 interacted with them.

7 THE COURT: What would you want me to ask about the
8 Joint Task Force, Magical Elves, Mission Productions, and the
9 Work Exchange Team, which are the nonpersons that are listed?

10 MR. KILEY: So the Work Exchange Team is also
11 connected to this first issue that they deal with in March.
12 The Work Exchange Team is an Atlanta-based entity that was
13 providing volunteers to -- were providing services that were
14 the responsibilities of the licensee. They were not being
15 paid. They were, instead --

16 THE COURT: Do you want me to ask have any of you
17 worked for or are familiar with the Joint Task Force, Magical
18 Elves, Mission Productions, or Work Exchange Team?

19 MR. KILEY: That would be fine. And again, only
20 because I'm standing on this issue, Your Honor, when I read
21 our discussion on this issue and we convinced you that we
22 should say IATSE.

23 THE COURT: I'm going to list the whole name and
24 say IATSE.

25 MR. KILEY: Local 11, which you spoke of in the

1 same breath. Local 11 is one of the locals within IATSE. It
2 deals only with stage hands. And I know, in the discussion
3 that we had, you described a sequence of things.

4 THE COURT: It's a sequence of people who work for
5 Local 11 IATSE?

6 MR. KILEY: Local 11 is stage hands.

7 THE COURT: I see.

8 MR. KILEY: I don't know that it matters, Your
9 Honor, but I know in the transcript that I read there are a
10 series of things. It's the stage hands local, within the
11 international.

12 THE COURT: Well, should I -- is stage hands all
13 they're going to hear about in this case, or more?

14 MS. KAPLAN: I think they may hear more. I would
15 just say IATSE Local 11.

16 THE COURT: IATSE Local 11 is a labor organization,
17 and not, say, representing this list of people. What I have
18 right now, which I read to you the other day, was the
19 International Alliance of Theatrical Stage Employees, Local
20 11, which you might hear referred to as IATSE, or just Local
21 11, is a labor organization representing and then I listed,
22 technicians, artisans, craftspersons in the entertainment
23 industry in Boston, including bopitty bop.

24 MR. KILEY: And it's true as to IATSE, but if it's
25 IATSE Local 11. Local 11 has a component. I don't know that

1 it's going to matter here, Your Honor, but I wanted to point
2 it out to you for accuracy.

3 THE COURT: Do you want me to say what I read to
4 you on Friday, or something different?

5 MS. KAPLAN: That's fine, Your Honor.

6 THE COURT: What do you want?

7 MR. KILEY: I'm fine with it, Your Honor. I told
8 you I would look at the transcript and fill you in on any
9 nits.

10 THE COURT: Okay. So last question is, what I tell
11 the jurors about how long it will be. About two weeks?

12 MR. KETTLEWELL: Yes, Your Honor, I think that's
13 fair.

14 MS. KAPLAN: I think that's fine, Your Honor.

15 THE COURT: Maria, do you know what the -- -

16 THE DEPUTY CLERK: They're dropping off the
17 notebooks right now, so probably about 9:30.

18 THE COURT: Okay.

19 THE DEPUTY CLERK: I can check.

20 MS. KAPLAN: Your Honor, there was one other issue
21 that we wanted to -- we e-mailed Ms. Simeone about this
22 morning, talking to you about -- at sidebar, if possible.

23 THE COURT: Okay. Ms. Simeone hasn't been able to
24 get into her e-mail today, so I haven't seen that.

25 But give me one minute. Why don't you just call

1 Jim and see where we are, in terms of --

2 (Discussion off the record.)

3 (The following discussion was sealed at 9:20 a.m.
4 and held at the bench.)

5 MS. KAPLAN: So late Friday, we moved to file a
6 motion to a brief response to your order, the Court's order.

7 THE COURT: I haven't seen it.

8 MS. KAPLAN: And you haven't filed it, because we
9 requested leave to file it under seal.

10 THE COURT: In fact, just to the extent that there
11 are -- the sidebar is sealed. To the extent the issues arise
12 for any of you, to the extent that order that the motion has
13 been under seal, you don't need to file a separate motion to
14 seal. It's sealed. And you can just send it to Ms. Simeone
15 for filing under seal. And in fact, I think what I'll -- in
16 the event -- I know that there will be a lot more things like
17 that, but I'll try to find an e-mail address that I'll get to
18 you later today, so you don't have to have that two-step
19 process, of having to send it to Ms. Simeone, so at night I
20 can look at it. She's not checking her e-mail and doesn't
21 have access. So I didn't know about that. So you can go
22 ahead and do that.

23 Hey, Maria, Maria? Are you able to get -- you just
24 can't get it on this computer? Or you can't get it on --

25 THE DEPUTY CLERK: I think in this one, in this

1 computer.

2 THE COURT: Send it to her and Ms. Montes. And
3 when you send things file under seal send it to both of them
4 for now.

5 MS. KAPLAN: Okay.

6 THE COURT: Then I'll get it quicker, in case we
7 have another e-mail address.

8 MS. KAPLAN: So it was just three points that we
9 wanted to clarify and one of them was we have not taken the
10 deposition, we took the position initially we were going to
11 call Jesse du Bey, but since this all came about, we do
12 intend to call Jesse du Bey, but what I was trying to say at
13 sidebar the other day, was depending on how you ruled, we
14 were trying to make a decision about that. So we do intend
15 to call Jesse du Bey, because we don't want know how you
16 intend to rule. And we don't want to create a -- so in terms
17 of scheduling, I just want to give Your Honor a heads-up, we
18 have heard that next Wednesday, he would be available.

19 THE COURT: A week and a half from today.

20 MS. KAPLAN: So that's July 29th. I don't know
21 whether we'll still be on our case or not, so we would like
22 permission to be able to call him out of order.

23 MR. KETTLEWELL: I have no objection to that, Your
24 Honor.

25 MR. KILEY: We have no objection.

1 MS. KAPLAN: If that's what we decide to do, then.

2 MR. KILEY: One thing that I would say is that I
3 would anticipate we would be filing our Rule 29 or making a
4 Rule 29 argument. I don't know whether we have to wait until
5 Mr. du Bey is coming in their case. That would be my -- if
6 we were going to take Mr. du Bey.

7 THE COURT: I don't think it would be fair to the
8 Government to consider a Rule 29 motion when they had another
9 witness coming.

10 MR. KILEY: That's what I'm saying, we'll wait on
11 the Rule 29 until after Mr. du Bey.

12 MR. KETTLEWELL: Well, let's see where we are. Who
13 knows.

14 MR. CINTOLO: Did we get a notice on Evans?

15 MR. KETTLEWELL: Yeah, I wanted to bring it to the
16 Court's attention, just talk about troubles. Commissioner
17 Evans, I don't want to say this in open court, actually broke
18 his femur and was admitted to Mass. General on Friday. He
19 had surgery and we're checking on his status, because he's
20 obviously a critical witness for us, but we're hopeful that
21 he'll be available in the course of the trial.

22 THE COURT: How long is your case about, putting
23 aside du Bey?

24 MS. KAPLAN: We think probably until early next
25 week until the middle of next week.

1 MS. BARCLAY: So the timing issue may not even be
2 an issue, we just wanted to flag it.

3 THE COURT: So he'll have been -- unless he has
4 amazing insurance, I assume he'll be kicked out of the
5 hospital before the middle of next week.

6 MR. KILEY: The former police commissioner might
7 have some drag.

8 MR. KETTLEWELL: We'll see.

9 THE COURT: Okay.

10 MR. KETTLEWELL: That's all I know. I'm trying to
11 find out more. I was told this on late Friday.

12 THE COURT: Right. I would think that -- I mean,
13 that's a bad bone to break as an adult, but you know, you're
14 talking about almost -- you're talking at about two weeks
15 from when it happens.

16 MR. KETTLEWELL: All right. I get it. I agree.

17 THE COURT: Okay.

18 MR. KETTLEWELL: Do you want us to raise any issues
19 about the first witnesses now, or do you want to wait until
20 we get the jury?

21 THE COURT: Wait until we get the jury and then I
22 thought there's a couple of things -- we could talk about
23 things like that and then we --

24 MR. KETTLEWELL: Do you think we're going to open
25 today, Judge?

1 THE COURT: No. My plan is we'll pick the jury,
2 and then send them home. If I didn't make that clear, I
3 apologize, I thought I made that clear the other day.
4 Tomorrow we open and preliminary instructions and opening.

5 MR. KETTLEWELL: All right. Thank you.

6 MR. CINTOLO: Your Honor. Are they ready to come
7 in?

8 THE COURT: Oh, in here.

9 MR. KETTLEWELL: Not yet.

10 THE COURT: I think we're close, but they're not at
11 the door now.

12 MR. CINTOLO: Okay. I just have to go to the men's
13 room.

14 THE COURT: Go right ahead.

15 Ms. Kaplan, maybe if you guys come back. You said
16 you had three points.

17 MS. KAPLAN: Yes.

18 THE COURT: So is just one du Bey, or does that
19 encompass?

20 MS. BARCLAY: In the document we asked for
21 permission to file under seal, there are three points, so
22 we'll file that.

23 THE COURT: I see. The only one you wanted to flag
24 right now was just the scheduling. I got it.

25 MR. KETTLEWELL: Thank you, Your Honor.

1 MR. KILEY: Thank you.

2 (Sealed bench conference concluded at 9:26 a.m.)

3 MS. BARCLAY: Your Honor, did I hear that we could
4 have five minutes? Is that --

5 THE COURT: Yeah.

6 MS. BARCLAY: Okay. Thank you.

7 THE COURT: Ms. Barclay, 9:45 is when Jim says
8 we'll have jurors.

9 MS. BARCLAY: All right. Thank you.

10 (Court in recess at 9:26 a.m.

11 and reconvened at 9:29 a.m.)

12 THE COURT: Mr. McAlear reports that he's going to
13 start bringing the jurors up. I noticed -- I think you may
14 have e-mailed in two more names, Ms. Kaplan and Ms. Barclay.
15 I just want to verify that. Ms. Armstrong from Verizon
16 Wireless and Ms. Rapson from Sprint, right?

17 MS. KAPLAN: Yes.

18 THE COURT: Okay. And then I just want to make
19 sure that I get it right. It's Hannah Beller, right?

20 MS. BELLER: Yes, Your Honor.

21 THE COURT: Okay. Paralegal. I just wanted to --

22 MS. KAPLAN: It's Orkila, I understand.

23 THE COURT: Orkila.

24 MR. KETTLEWELL: Your Honor, we have a paralegal
25 who's going to be running the computer and posting things.

1 His name is Brad Carvalho. I'm not sure that made it on the
2 list.

3 THE COURT: A little louder.

4 MR. KETTLEWELL: Brad Carvalho, C-a-r-v-a-l-o.

5 THE COURT: Okay. He's your paralegal,
6 Mr. Kettlewell?

7 MR. KETTLEWELL: He is, Your Honor. He is going to
8 be assisting all of us.

9 MR. KILEY: Yes.

10 THE COURT: Mr. Kiley. The Joint Task Force on The
11 Underground Economy, should I call that the Massachusetts
12 Joint Task Force on the -

13 MR. KILEY: I think it was the governor's. It's
14 the governor's task force, Your Honor.

15 I'll give you the complete title, Your Honor. It's
16 the Governor's Joint Task Force on The Underground Economy.

17 THE COURT: Okay. Then that's what I'll call it.

18 If it makes a difference, all of you, I think the
19 way that the clerk's office will be seating the members of
20 the venire, is the first one, two, three rows all the way
21 across and then the two benches in the middle in the fourth
22 row.

23 (Discussion off the record.)

24 THE COURT: Mr. Cintolo, how about lifting up that
25 chair right there. And put it over -- see if you can lift it

1 up over that black --

2 MR. CINTOLO: Over there?

3 THE COURT: This one? Yes.

4 MR. CINTOLO: It will just block it.

5 THE COURT: There you go. Then people will walk
6 around it. Thank you.

7 (Discussion off the record.)

8 (The prospective jurors enter the courtroom.)

9 THE COURT: Which juror needs a notebook?

10 Ms. Simeone will give you a notebook, pad. Do you have a
11 pen? Everyone has a pen. Everyone else has a pen and a pad?
12 Okay.

13 Good morning, everyone. My name is Leo Sorokin.
14 On behalf of the federal court, I welcome you here today.
15 Before we talk about today's case, I want to speak to you
16 briefly about jury service. I know many people dread it, but
17 it's one of the most fundamental parts of our criminal
18 justice system. I realize that each of you probably has a
19 job or school to attend or family responsibilities, or any
20 number of other ways you were planning to spend today before
21 you were called to the courthouse. Probably very few of you
22 were sitting at home, having breakfast this morning, just
23 hoping to be selected for federal jury duty. I'm sure nearly
24 all of you had other plans, other things to do in your
25 individual lives, and I understand that. But today, despite

1 all of those things, you came to the courthouse. And just by
2 coming here this morning, you have already begun to do
3 something, not for yourself, but for your country. That
4 might sound like an overstatement, but it's the truth. And
5 on behalf of the Court, I thank you for doing that.

6 Each of you as a citizen of the United States and
7 with that citizenship comes both rights and responsibilities.
8 Our United States Constitution guarantees each person accused
9 of a crime the right to a trial by an impartial jury of his
10 or her peers. That right means that, in every criminal case,
11 like the one we have here today, the question of whether the
12 Government has proven, beyond a reasonable doubt, that a
13 person is guilty, is determined by a fair and impartial cross
14 section of citizens drawn from the community, people like
15 yourselves, each of whom brings his or her own individual
16 perspective and life experience to the jury.

17 In our country, only a jury of citizens like
18 yourselves can stand in judgment of another person. With
19 that right to a jury trial, a right which we all have, comes
20 a related responsibility. We all have the responsibility to
21 serve on a jury. By serving on juries, we give life to the
22 guarantee in the Constitution to the right to an impartial
23 jury drawn from citizens of all walks of life. Without
24 people like you, willing to honor their responsibility to
25 serve on a jury, courts would be unable to ensure that the

1 Constitution's promise of a jury trial is fulfilled. That's
2 why jury service applies to everyone. That's why jury
3 service is so important and that is why you are here today.

4 Now, I would like each of you to promise to do
5 something, not for me, but for our country, and for every
6 person in it, including the defendants in the case that
7 brings us here today. I ask each of you to promise to do
8 your best to be willing to serve as a fair and impartial
9 juror in this case.

10 Can you do that?

11 (Affirmative responses.)

12 THE COURT: Thank you. Before we begin the process
13 of selecting a jury in today's case, you might be wondering
14 who is in the courtroom. So I want to introduce some of
15 those people first. And as we go through this process this
16 morning, I'll be explaining to you about the case and the
17 schedule and the like.

18 So sitting in front of me is Ms. Simeone.
19 Ms. Simeone is a clerk in the courthouse and she will be
20 administering the oath to witnesses, she'll be administering
21 an oath in a moment to all of you. She records the exhibits
22 that come into evidence and takes care of various other tasks
23 related to that.

24 To my right is Ms. Lopez, you see her typing away.
25 Ms. Lopez is the court reporter, she's making a record of

1 everything that occurs in the course of the trial.

2 Farther over to my right, you see my law clerks and
3 some law students who are interning with me this summer.

4 Ms. Simeone will now administer an oath to you.
5 That oath is simply a promise to answer all of the questions
6 that I will ask you in a moment truthfully.

7 Go ahead.

8 (The prospective jurors were duly sworn.)

9 THE COURT: Thank you. So let me first explain to
10 you today's case. This is a criminal case. The defendants,
11 Kenneth Brissette and Timothy Sullivan, are employees of the
12 City of Boston. Boston Calling is a music festival held each
13 year. The federal charges in this case arise from events
14 related to the Boston Calling festival held in September
15 2014, on Boston's City Hall Plaza. The Boston Calling
16 festival is produced by a company called Crash Line
17 Productions.

18 The International Alliance of Theatrical Stage
19 Employees, Local 11, which you might hear referred to as
20 IATSE, or just Local 11, is a labor organization representing
21 technicians, artisans, and craftspersons in the entertainment
22 industry in Boston, including live theater, motion picture,
23 and television production, trade shows and other live
24 entertainment events.

25 In this case, the Government has charged

1 Mr. Brissette and Mr. Sullivan with two federal crimes.

2 Conspiracy to commit extortion and extortion. The Government
3 alleges that Crash Line was the victim of these crimes --
4 essentially, the indictment alleges --

5 I think we're all set with the pads. No problem.

6 Essentially, the indictment alleges that Mr.
7 Brissette and Mr. Sullivan insisted that Crash Line hire
8 members of Local 11 to work at the September 2014 Boston
9 Calling festival and that they induced Crash Line's consent
10 to their demands by wrongfully using Crash Line's fear of
11 economic harm. The Government alleges that Crash Line's fear
12 of such harm arose from the fact that it was awaiting certain
13 permits and approvals it needed for the September 2014
14 concert and it was seeking an extension of a contract,
15 allowing it to conduct future concerts on City Hall Plaza.

16 Mr. Brissette and Mr. Sullivan each deny the
17 charges.

18 Now I'm going to ask you a series of questions and
19 your answers will help us select fair and impartial jurors
20 for this case. When I ask you a question, I'll give you the
21 number of each question, so question one, question two,
22 question three, and so forth. And if your answer to a
23 question is yes, or if you think your answer might be yes,
24 what I'd like you to do is, on the pad you have, just write
25 down the number of the question. So, for example, if your

1 answer to question one was yes, just write down a one on that
2 pad. And then if the -- you happen to answer yes to question
3 30, then write down 30, as well. Whatever question numbers
4 your answer's to, write those numbers down, and when I'm done
5 asking questions, then what's going to happen is one by one,
6 I'll ask you to come forward, either if you wrote anything,
7 any questions down on your pad, or if there's anything else
8 you wish to bring to my attention. And then you'll come
9 forward and I'll talk to you over here at what we call the
10 sidebar with the lawyers just to find out a little more
11 information about whatever it is that brought you up here.

12 Okay?

13 So question one is do you know either myself or any
14 of the court staff, Ms. Simeone, Ms. Lopez, or the law clerks
15 or interns you see to my right. So if your answer to that is
16 yes, write down a one on your pad.

17 Question number two, the names of the assistant
18 United States Attorneys in this case, that is the lawyers
19 representing the Government are Laura Kaplan and Kristina
20 Barclay.

21 Ms. Kaplan and Ms. Barclay, would you please stand
22 and just turn toward the panel?

23 MS. BARCLAY: Good morning.

24 MS. KAPLAN: Good morning.

25 THE COURT: Question two is are any of you related

1 to either of these attorneys, or do either of you know either
2 of these attorneys?

3 Question three. Ms. Kaplan and Ms. Barclay work in
4 the United States Attorney's Office here in Boston. Have any
5 of you had any dealings with the United States Attorney's
6 Office?

7 Question four. Have you, a family member, or a
8 close friend ever been employed by the United States
9 Attorney's Office?

10 Question five. Ms. Kaplan and Ms. Barclay will be
11 assisted in this case by Special Agent Kristen Koch of the
12 Federal Bureau of Investigation and Hannah Beller, a
13 paralegal in the United States Attorney's Office.

14 Maybe the two of you should just stand up. Thank
15 you.

16 Are any of you related to Agent Koch, or do any of
17 you know her, or are you related to Ms. Beller or do you know
18 her?

19 All right. Question six, as I mentioned, the
20 defendants in this case are Kenneth Brissette and Timothy
21 Sullivan. First, Mr. Brissette, would you please stand and
22 turn toward the panel?

23 MR. BRISSETTE: Good morning, everybody.

24 THE COURT: And then Mr. Sullivan, would you please
25 stand and turn toward the panel?

1 MR. SULLIVAN: Good morning.

2 THE COURT: Are any of you related to Mr. Brissette
3 or Mr. Sullivan, or know either of them? That's question
4 six.

5 Question seven. Attorneys William Kettlewell and
6 Sara Silva represent Mr. Brissette.

7 Mr. Kettlewell and Ms. Silva, would you please
8 stand and turn toward the panel?

9 MR. KETTLEWELL: Good morning.

10 MS. SILVA: Good morning.

11 THE COURT: Are any of you related to either of
12 these attorneys or do you know either of them?

13 Question eight. Mr. Kettlewell and Ms. Silva work
14 at a law firm in Boston called Hogan and Lovells. Have any
15 of you ever had any dealings with Hogan and Lovells.

16 Question nine. Have you, a family member, or a
17 close friend, ever been employed by Hogan and Lovells?

18 Question ten. Attorneys Thomas Kiley and William
19 Cintolo represent Mr. Sullivan.

20 Mr. Kiley and Mr. Cintolo, would you please stand
21 and turn towards the panel?

22 MR. KILEY: Hello.

23 MR. CINTOLO: Good morning.

24 THE COURT: Are any of you related to either of
25 these attorneys, or do any of you know any of them?

1 Question 11. Mr. Kiley and Mr. Cintolo work at a
2 law firm called Cosgrove, Eisenberg, and Kiley. Have any of
3 you had any dealings with that law firm?

4 Question 12. Have you, a family member, or a close
5 friend, ever been employed by Cosgrove, Eisenberg, and Kiley?

6 Next part of question 12. There are two other
7 lawyers, Attorney Kelley of Boston, who is a solo
8 practitioner, and Attorney Anthony Traini?

9 MR. KILEY: Traini.

10 THE COURT: Traini, who's a solo practitioner in
11 Providence. They also represent Mr. Sullivan. And if either
12 of you know them, either of those attorneys, if you're
13 related to those attorneys, or if you a family member or a
14 close friend have ever been employed by either of those
15 attorneys, please also answer yes to question 12.

16 Attorney Kelley's first name is James?

17 MR. KILEY: James.

18 THE COURT: James. And now I'm going to read you a
19 list of names. These are names of people either who will
20 testify in this trial, or about who you may hear testimony.
21 And after I -- I would like you to listen to the list
22 carefully. And after you hear the list, I'm going to ask you
23 the following question, which is question 13, which is are
24 any of you related to any of these possible witnesses I've
25 just listed, or these people, or do any of you know,

1 personally, any of them. That's question 13 and the names
2 are as follows.

3 Brian Appel, Boston; John Baros, Dorchester; Carole
4 Brennan, Boston; Elida, E-l-i-d-a, Carbajal, C-a-r-b-a-j-a-l,
5 from Grenada Hills, California. Christopher Cook, Boston.
6 Derek Cunningham, Washington, D.C. Maribeth Cusick, Concord,
7 Mass. William Evans, Commissioner of Boston Police
8 Department. Nicole Murati Ferrer, Boston; Colleen Glynn,
9 North Reading; Favour Jones, Marblehead; William Kenney,
10 Chelmsford; Kristen Koch, Special Agent, Federal Bureau of
11 Investigation. Daniel Koh, Boston; Joyce Linehan, Boston;
12 Patricia Malone, West Roxbury; Lisa Lamberti Menino, Boston;
13 Steven Oare, O-a-r-e, Natick; David O'Connell, Los Angeles,
14 California. Patricia Papa, Boston; Richard Rogers,
15 Charlestown; Joseph Rull, Norwell; Michael Snow, Melrose;
16 Lisa Strout, Boston; Martin J. Walsh, Boston; Jesse du Bey,
17 Germany. Milady Ortiz, FBI; Mark Harrington, Holbrook;
18 Michael Galvin, Boston; Chris Keohan, K-e-o-h-a-n. Dominique
19 Armstrong from Verizon Wireless, Hillary Rapson from Sprint.

20 John Catlin, former special agent, Department of
21 Labor, Boston; Thomas Foley, Boston. Kenneth Fong, Boston.
22 Patricia Keough -- I'm sorry, Patrick Keough, K-e-o-u-g-h,
23 Boston; James Jake Sullivan, Boston; John Walsh, Boston.
24 Christopher Welling, Boston; Attorney Jed Nosal, N-o-s-a-l-e
25 [sic], Boston.

1 So question 13, the first part of it is the
2 following people you may hear about or testify and -- there's
3 one more name, Kate Norton. So as to any of those people,
4 are any of you related to any of those people I've listed or
5 do you know personally any of those people? That's question
6 13.

7 I'm also going to read to you a list of
8 organizations or groups or entities and if you know -- if
9 you've worked for or you're familiar with any of these
10 groups, then I would like you also to answer yes to question
11 13. Bark Bark Media, the Governor's Joint Task Force on The
12 Underground Economy, Magical Elves Productions, Mission
13 Productions, or the Work Exchange Team. So that's also a
14 part of question 13. And if you know -- if you've worked for
15 any of those organizations, or you're familiar with them,
16 please answer yes to that question.

17 Question 14. Have you ever been involved in any
18 lawsuit by or with any of the possible witnesses I've listed,
19 any of the lawyers in the US Attorney's Office, the federal
20 Government, Mr. Brissette, Mr. Sullivan, the City of Boston,
21 the FBI, or the Department of Labor? That's question 14.

22 Question 15. Mr. Brissette and Mr. Sullivan both
23 work for the City of Boston. Have you, a family member, or a
24 close friend ever worked at Boston City Hall, or for the City
25 of Boston?

1 Question 16. You will hear testimony about members
2 of the International Alliance of Theatrical Stage Employees,
3 also known as IATSE, or Local 11. Have you, a family member,
4 or a close friend ever been a member of, worked for, or dealt
5 with IATSE?

6 Question 17. Have you dealt with or are you
7 familiar with Orkila, LLC, Crash Line Productions, or Bill
8 Kenney Productions?

9 Question 18. Have any of you heard or read
10 anything about this case, or do you know anything about the
11 case, Mr. Brissette, or Mr. Sullivan?

12 Question 19. Do any of you have an interest in the
13 outcome of this case?

14 Question 20. Do any of you know -- just look
15 around the room. Do any of you know each other?

16 Question 21. Have any of you formed an opinion
17 about this case, either based on things you knew or heard
18 before coming here today, or based on the brief description
19 of the case I provided earlier?

20 Question 22. Have any of you expressed an opinion
21 about this case, or has anyone expressed an opinion to you
22 about this case?

23 Question 23. Do any of you have any strongly
24 positive or strongly negative views about City of Boston
25 employees or public officials in Boston?

1 Question 24. Do any of you have any strongly
2 positive or strongly negative views about labor unions?

3 Question 25. Have you, a family member, or a close
4 friend ever held public office or worked for an elected
5 official?

6 Question 26. Are you aware of any bias, prejudice,
7 or other reason that would make it difficult for you to serve
8 as an impartial judge of the facts in this case?

9 Question 27. Is there anything about the facts or
10 the parties in this case that might make it difficult for you
11 to be fair and impartial?

12 Question 28. Have you ever worked for or attended
13 the Boston Calling music festival?

14 Question 29. Are you, a family member, or a close
15 friend trained or experienced in large event planning or
16 concert promotion?

17 Question 30. In the course of your work, do you
18 frequently seek permits or approvals from public officials?

19 Question 31. Did any of you work on or otherwise
20 know about the filming of the reality TV show *Top Chef* in
21 Boston in 2014?

22 And if you -- the following question you should
23 also answer yes to question 31. Have you a family member or
24 a close friend been a member or worked for Teamsters local
25 25, Charlestown. So if you answered yes to that, question

1 31.

2 So now I want to explain to you some general
3 principles of law the jury must follow in a criminal trial.
4 In the United States, a person accused of a crime is presumed
5 innocent. That means Mr. Brissette and Mr. Sullivan are
6 innocent as they sit here before you today. The fact they
7 have been indicted of a crime is not proof of that crime.
8 It's not evidence of anything at all.

9 Neither Brissette nor Mr. Sullivan can be found
10 guilty, unless their guilt is proven in this courtroom beyond
11 a reasonable doubt, a determination that will be made by the
12 jury we select here today. Mr. Brissette and Mr. Sullivan do
13 not have to say or do anything during this trial. And if
14 they do not, the jury may not consider their silence at all.

15 The Government brought the charges. The Government
16 bears the burden to prove the charges beyond a reasonable
17 doubt. That is a very high standard of proof, the highest
18 known in our legal system. These principles are some of the
19 most fundamental principles in our legal system.

20 Question 32. Would any of you have any difficulty
21 honoring those principles?

22 Question 33. Do any of you have any feelings about
23 the defendants' presumption of innocence that might interfere
24 in any way with you serving as a juror?

25 Question 34. Do any of you have any feelings about

1 the Government's burden of proof beyond a reasonable doubt
2 that might interfere in any way with you serving as a juror?

3 Question 35. As I explained, Mr. Brissette and Mr.
4 Sullivan have a Constitutional right not to testify in this
5 case. No inference of guilt or anything else may be drawn
6 from the fact that a defendant does not testify. For you to
7 draw such an inference would be wrong and would violate your
8 oath as a juror.

9 Would any of you hold it against Mr. Brissette or
10 Mr. Sullivan if either one of them did not testify, despite
11 my instructions that you not do so?

12 Question 36. The law requires that each juror must
13 follow my legal instructions, whether or not you personally
14 agree with the wisdom of the law as I describe it. And you
15 must disregard any other ideas, notion, or beliefs about the
16 law that you may have encountered.

17 Would any of you be unwilling to apply the law as I
18 explain it to you?

19 Question 37. Under the law, each juror must render
20 a verdict based solely on the evidence presented at trial in
21 the courtroom. Jurors may not discuss the case with other
22 people until after they return a verdict. Jurors may not
23 conduct their own research during the trial, whether on the
24 Internet, or in person.

25 Would any of you have any difficulty following this

1 general principle?

2 Question 38. Another basic legal principle we've
3 already touched upon requires each juror to serve fairly and
4 impartially. To serve fairly and impartially as a juror
5 means to hear the evidence in this case and decide its
6 outcome without bias, in favor of, or prejudice against
7 either side, any witness, or any other material matter. It
8 means to base any verdict in this case on the evidence
9 presented in the courtroom during the course of the trial and
10 the law as I explain it to you, not on anything that you have
11 heard or read outside of the courtroom and not on other
12 factors, such as the identity of the defendant or the race of
13 the defendant, or any witness in this case.

14 With that in mind, will any of you have any
15 difficulty being fair and impartial?

16 Question 39. Do you have any religious, moral,
17 political, or philosophical beliefs about sitting in
18 judgement of another person that would interfere with your
19 ability to serve as a fair and impartial juror in this case?

20 Question 40. In determining whether a defendant is
21 guilty, you are not permitted to consider the possible
22 punishment, if any, that would follow a guilty verdict.
23 Would any of you have difficulty deciding the case without
24 considering what sentence might be imposed? Would any of you
25 hesitate to find a defendant guilty because of the

1 possibility that I might impose a jail sentence in this case?

2 Question 41. Have you, a family member, or a close
3 friend ever been employed by a law enforcement agency? That
4 includes federal agencies like the FBI, the Department of
5 Labor, and the US Marshals Service, local or state police
6 departments, and any federal, state, or local corrections
7 office or sheriff's department? So that's question 41, you,
8 a family member, or a close friend.

9 Question 42. You will hear testimony in this case
10 from law enforcement officers. The law requires you to weigh
11 that testimony the same as the testimony of any other
12 witness. You may not give the testimony of a witness greater
13 weight or lesser weight simply because he or she is a law
14 enforcement officer.

15 Will any of you have difficulty complying with that
16 rule of law?

17 Question 43. Have you, a family member, or a close
18 friend ever had dealings with any law enforcement officer or
19 agency, whether favorable or unfavorable, which might
20 influence your consideration of this case?

21 Question 44. Have you, a family member, or a close
22 friend ever been involved in a lawsuit or claim of any kind
23 against any law enforcement officer or agency?

24 Question 45. Have you, or any member of your
25 immediate family or close friend ever been involved in a

1 criminal case in any Court as a victim, a witness, a lawyer,
2 a court employee, or a person charged with a crime?

3 Question 46. Have you ever served in any Court as
4 a juror in a criminal or civil case, or as a member of a
5 grand jury?

6 Question 47. Do any of you have any difficulty
7 hearing?

8 Question 48. Do any of you have any difficulty
9 understanding the English language?

10 Question 49. Do any of you have a physical
11 disability, or are any of you taking any medication that
12 might affect your ability to concentrate or sit comfortably
13 during the course of the trial?

14 Let me tell you a little bit about question 50,
15 which is the schedule in this case. All right? So we expect
16 this trial to last about two weeks. Trial will begin each
17 day at 9:00 a.m. and finish each day at 1:00 p.m. Each day
18 we'll take a short break at 11 a.m. we'll have some coffee
19 and refreshments for you in the jury room. Once the jury
20 begins its deliberations, I'll expect the jury to stay until
21 five p.m. each day, until it reaches a verdict.

22 In a moment, I'll ask you if this case is a
23 hardship for any of you, but let me just go over that
24 schedule again.

25 After we pick the jury, the schedule for the trial,

1 we start every day at 9:00 a.m. sharp. You'll sit from 9:00
2 a.m. to 1:00 p.m. Every day we'll be done at 1:00 p.m.
3 sharp. You can bank on that. And at 1:00 p.m. each day
4 during the trial, you'll be able to leave the courthouse and
5 go about your business. The trial will last about two weeks.
6 Once the jury receives the case to deliberate, then I'll ask
7 you to stay all day and I'll give you advanced notice of that
8 by at least a day or two.

9 Let me explain a little bit about hardship in terms
10 of the schedule, because that's what question 50 is. The
11 fact that you have a job that you will miss to serve on a
12 jury is not normally a hardship. Everyone has the
13 responsibility to serve on a jury when called. A scheduling
14 conflict rarely constitutes a hardship. Meetings or
15 appointments that can be changed, postponed or missed, are
16 not hardships. A scheduling conflict is a hardship only if
17 it is something out of the ordinary that actually conflicts
18 with the trial schedule and cannot be postponed. Here are a
19 few examples. You have a wedding, a prepaid vacation, with
20 nonrefundable tickets, or nonelective surgery.

21 So in light of what I told you about the case, the
22 duration of the case and this schedule, does this schedule
23 for this case pose a serious and extraordinary hardship for
24 any of you? If it does, question 50, write that down on your
25 pad.

1 Question 51. This is the last question. Is there
2 anything that I have not asked you about that might make it
3 difficult for you to decide this case fairly and impartially,
4 based on the evidence presented in court, and in the context
5 of the Court's instructions to you on the law? That's
6 question 51.

7 So ladies and gentlemen, this is how we'll proceed
8 to the next stage of jury selection. One by one -- you each
9 have a jury number. Do you know what your juror numbers are?
10 It doesn't really matter. In any event, I'll be starting
11 with, in the first row, the first person to my far left, so
12 you, sir, in the blue shirt. What we're doing, one by one,
13 I'll ask you to come up to sidebar. If you answered -- if
14 you wrote down any numbers, that is if you answered yes to
15 any questions, I want you to come up with your piece of paper
16 and your pad and then show me which questions you answered
17 yes to.

18 If you didn't answer yes to any question, but
19 there's something that you want to bring to my attention,
20 then you can come up when I come to you, but if there
21 isn't -- you didn't answer yes to any questions and there
22 isn't anything to bring to my attention then when I look --
23 when I turn to you, you can just say you pass and I'll move
24 on to the next person. And we'll go through and I'll talk to
25 each of you, or those I need to one by one. And then after

1 that, we'll move to the next step of jury selection.

2 So I ask for your patience during this process,
3 because it takes a little time, but people have individual
4 pieces of information to bring to my attention and the
5 attention of the lawyers that sometimes can be important. So
6 I want to talk to them each one by one personally. So I
7 thank you in advance for your patience and we'll proceed to
8 this next step.

9 Sir, do you have anything to bring to my attention?
10 Then come forward.

11 (Individual voir dire was held from
12 10:40 a.m. to 3:47 p.m.)

13 THE COURT: So juror number 19, I excused her, I
14 spoke with her and she had some family commitments that she
15 hadn't raised with me before and that are the kinds of
16 reasons that I've excused other people, so I excused her, so
17 that's why she's gone downstairs, so juror number 63 has
18 taken her place. So you are the jury. So as I said before,
19 the schedule, every day, until the jury receives the case for
20 deliberations, we'll start at 9:00 a.m. sharp, finish at 1:00
21 p.m., when I say we're done at 1:00, I mean we're done at
22 1:00. You can set your watch by it. All right?

23 Ms. Simeone, in a moment, will take you out the
24 back door. She'll take you behind the courtroom. She'll
25 show you where the jury room is, she'll give you badges,

1 tomorrow morning when you get here, don't come up to this
2 courtroom, because we won't be in here, don't come up to my
3 courtroom, which is just down the hall. You go up in the
4 back elevator, she'll show you how to do that, right up to
5 the jury number and you assemble in the jury room and then
6 Ms. Simeone, or the Court security officer will bring you in
7 at 9:00 a.m. to the courtroom where we'll begin the trial.
8 Okay? We'll go from 9:00 to 1:00.

9 So the first think I'd ask you. I know many of
10 you, maybe all of you, don't work in the Seaport District.
11 So we can't begin the trial tomorrow morning until everyone's
12 here. We need all of you, we need me, we need the lawyers,
13 we need everybody. So try to plan your schedule so that
14 you're here not to walk in to the jury room at 8:59 and 58
15 seconds, but enough time so that when we come in, when
16 Ms. Simeone comes in, you're ready to go, to come into the
17 courtroom at 9:00 a.m., so we can begin, because I'm very
18 much -- I'm very aware that your time is valuable and I want
19 to use the time you've given us efficiently, which means when
20 you're here, I want to go, take evidence from 9:00 to 1:00.
21 Okay?

22 You'll be done at 1:00, we'll go day-to-day, I'll
23 update you throughout the trial about our progress, it will
24 be about two weeks, as I told you. Tomorrow morning, we'll
25 start with some preliminary instructions from me and opening

1 statements from the lawyers and then the evidence. There are
2 just a couple of things to keep in mind now, before you
3 begin. Okay?

4 First, keep an open mind. You have not heard my
5 preliminary instructions, my final instructions, the opening
6 statements, closing statements, the evidence, you haven't
7 heard anything, so don't make up your mind about this case
8 until you've heard all the evidence.

9 Second, this is important, do not discuss anything
10 about this case with anyone, or conduct any of your own
11 research in this case. Your role as the jury is a special
12 one. You will have to decide this case based only upon what
13 happens in the courtroom. So you cannot discuss the case
14 with anyone else, that even includes members of your family.
15 And you should not let anyone discuss the case with you. You
16 may tell your family or your employer that you are on a jury
17 and how long the case may last and that's all. You may not
18 tell them anything else about the case, until the trial is
19 over.

20 Do not discuss the case among yourselves, which --
21 just as you're not to discuss it with anyone else. You may
22 not talk to one another about this case, until the trial
23 ends, and I direct you to begin your deliberations.

24 You're free to talk among yourselves about anything
25 you want, except the case or the people in it. Okay? All

1 right. So tomorrow morning, get here in time to go, so we're
2 ready to go at 9:00 a.m. We'll go from about 9:00 to 11:00,
3 we'll take a break at 11 o'clock, we'll have coffee and
4 refreshments for you, we'll be done at 1 o'clock, you'll be
5 on your way, and we'll go on that schedule.

6 All right. Anything else from counsel before I
7 excuse the jury?

8 MS. KAPLAN: No, Your Honor.

9 MR. KETTLEWELL: No, Your Honor.

10 THE COURT: All right. All rise for the jury.

11 (The jury exits the courtroom.)

12 THE COURT: Please be seated. So there's -- I have
13 the suggestions from you about the limiting instruction. I
14 think that's all really -- unless -- I haven't seen what you
15 referred to this morning, Ms. Kaplan, that you were going to
16 file Friday, but other than that, I think what makes the most
17 sense is just meet tomorrow morning, unless there's something
18 specific that you want to go over now.

19 MS. BARCLAY: Nothing from the Government, Your
20 Honor.

21 MR. KILEY: No, Your Honor.

22 THE COURT: Anything else from Mr. Kettlewell?

23 MR. KETTLEWELL: Well, Your Honor, I raised at the
24 sidebar, briefly during jury selection, in fact they're
25 starting with the *Top Chef* witnesses, so there will be some

1 issues about the scope of that testimony, we can talk about
2 that tomorrow at 8:30, if you wish, because they've notified
3 us that the first three witnesses are -- at least two of the
4 first three are *Top Chef* related witnesses.

5 THE COURT: I think we can take that up tomorrow
6 morning. One question that I had that I was just thinking
7 about, what exactly is the -- I was looking over, what's
8 the -- the property -- is the property just the wages paid to
9 the union people?

10 MS. BARCLAY: It's the wages and benefits paid.

11 THE COURT: The wages and benefits paid to them.
12 Because the indictment says wages and benefits to be paid and
13 then it repeats it in another format, I didn't understand
14 what it meant, if it was something else.

15 MS. BARCLAY: Yeah, I think it's wages and benefits
16 is --

17 THE COURT: So the property is the wages and
18 benefits paid to those, was it nine guys or whatever number
19 of guys it was?

20 MS. BARCLAY: Yes.

21 THE COURT: Okay. That's the property at issue.
22 Okay. All right. Then how much -- what's the scope of the
23 issues on the *Top Chef*? My question is this, should I meet
24 with you at 8:15 instead of 8:30?

25 MR. KETTLEWELL: I think we can do it fairly

1 quickly at 8:30, Your Honor.

2 THE COURT: Okay. Fine. See you at 8:30 in my
3 courtroom tomorrow morning.

4 (End of requested portion.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Rachel M. Lopez, Certified Realtime Reporter, in and for the United States District Court for the District of Massachusetts, do hereby certify that pursuant to Section 753, Title 28, United States Code, the foregoing pages are a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 22nd day of July, 2019.

/s/ RACHEL M. LOPEZ

Rachel M. Lopez, CRR
Official Court Reporter